

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE WASHINGTON MUTUAL, INC.
SECURITIES, DERIVATIVE & ERISA
LITIGATION

No. 2:08-md-1919 MJP

IN RE WASHINGTON MUTUAL, INC.
ERISA LITIGATION

Lead Case No. C07-1874 MJP

This Document Relates to:
ALL ACTIONS

**STIPULATION AND ORDER TO
STAY PROCEEDINGS**

Note on Motion Calendar:
May 11, 2010

1
2 Plaintiffs Gregory Bushansky, Dana Marra and Marina Ware (“Plaintiffs”); Defendants
3 Todd Baker, Melissa Ballenger, David Beck, Deborah Bedwell, John Berens, Curt Brouwer,
4 Thomas W. Casey, Ron Cathcart, Daryl D. David, Michelle Grau-Iverson, Pia Jorgensen, Suzanne
5 Krahling, Bill Longbrake, Michelle McCarthy, Robert J. Williams and John F. Woods (the “PIC &
6 PAC Defendants”); and Defendants Stephen I. Chazen, Stephen E. Frank, Charles M. Lillis,
7 Phillip D. Mathews, Margaret Osmer McQuade, James H. Stever and Willis B. Wood, Jr. (the
8 “HR Committee Defendants,” and together with the PIC & PAC Defendants, the “Settling
9 Defendants”), by and through their undersigned counsel, stipulate as follows:

10 1. Pursuant to the Memorandum of Understanding executed on April 20, 2010, in the
11 pending action captioned *In re Washington Mutual, Inc. ERISA Litigation*, Lead Case No. 07-cv-
12 1874 (the “ERISA Litigation”), the above referenced parties have reached an agreement to settle
13 all claims asserted by Plaintiffs against the Settling Defendants in the ERISA Litigation;

14 2. In light of this agreement and to allow the parties to obtain the requisite approvals
15 of the settlement while preserving judicial resources, the parties jointly request a stay until
16 October 30, 2010, of all deadlines in the ERISA Litigation, including but not limited to the
17 deadlines pertaining to: (i) Plaintiffs’ motion to certify a class; (ii) mediation; (iii) fact and expert
18 discovery; (iv) the filing of any dispositive motions; and (v) the commencement of trial. The
19 parties request that the Court stay, rather than dismiss, the ERISA Litigation in order to preserve
20 the status quo pending this Court’s consideration of the settlement, and to allow Plaintiffs to use
21 the subpoena power of this Court if necessary to obtain the data needed to issue notice of the
22 settlement to the proposed class (the “Notice”) and to implement a plan for allocating the proceeds
23 of the settlement;

24 3. As shown in the table below the parties expect to file a motion with the United
25 States District Court for the Western District of Washington (“District Court”) for preliminary
26 approval of the settlement on or before June 8, 2010 (“Motion for Preliminary Approval”);

1
2 4. The Motion for Preliminary Approval will seek, among other things, approval as to
3 the form of the Notice mailed to class members, authorization to mail the Notice, scheduling of a
4 hearing for final approval of the settlement (the "Final Approval Hearing"). Pursuant to the
5 requirements of the Class Action Fairness Act of 2005, 28 U.S.C. §§ 1332(d), 1453, 1711-15, the
6 parties will request that the Final Approval Hearing take place no sooner than 100 days after the
7 Motion for Approval is filed with the District Court. Based on this schedule, the parties anticipate
8 that the Final Approval Hearing can occur in September 2010, or as soon thereafter as is
9 appropriate given the timing of the ruling on the Motion for Preliminary Approval and issuance of
10 the Notice.

11 5. Within seven (7) days of the District Court's issuance of an order granting
12 preliminary approval of the settlement, the parties will file a motion with the United States
13 Bankruptcy Court for the District of Delaware ("Bankruptcy Court") for approval of the settlement
14 ("Motion for Approval of Settlement in Bankruptcy Court");

15 6. The parties expect that the hearing on the Motion for Approval of Settlement in
16 Bankruptcy Court will occur prior to or at the same time as the Final Approval Hearing in the
17 District Court. In the event that the hearings are scheduled to occur at the same time, the parties
18 will arrange for the hearings in the District Court and Bankruptcy Court to be linked and broadcast
19 via closed-circuit video-conference;

20 7. Upon final approval of the settlement, the ERISA Litigation shall be dismissed with
21 prejudice.

22 8. Accordingly, the parties request a stay of all proceedings in this action, except as
23 related to the settlement process, until at least October 30, 2010, by which time the matter should
24 be fully resolved, subject to Court approval.

25 9. The anticipated schedule regarding settlement approval is as follows:
26

Event	Date
File Motion for Preliminary Approval of Settlement in District Court	June 8, 2010
Motion for Approval of Settlement in Bankruptcy Court	7 days after entry of Order of Preliminary Approval by the District Court
Mail Notices to Class Members	21 days after entry of Order of Preliminary Approval by the District Court
Final Approval Hearing in District Court	No sooner than 100 days after Motion for Preliminary Approval filed with the District Court and the Court approved time period for Notices to Class Members
Final Approval Hearing in Bankruptcy Court	Immediately prior to or at the same time as the Final Approval Hearing in District Court

10. For example, based on this proposed schedule, if the Court were to rule on the Preliminary Approval Motion on June 25, 2010, the Motion for Approval of Settlement in Bankruptcy Court would be filed on July 2, 2010, the Notices to Class Members would be mailed on July 23, 2010, and the Final Approval Hearing in District Court could take place on September 16, 2010, or thereafter as determined by the Court.

11. The parties agree to provide the District Court with a status update should any of the above provisions need to be altered.

Dated this 11th day of May, 2010.

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Interim Co-Lead Counsel for Plaintiffs

SO ORDERED this 13th day of May, 2010.



Marsha J. Pechman
United States District Judge